

Direct Legislation

As proposed by the Manitoba Liberals.

Its Weaknesses and Fallacies Exposed

Speech delivered in the Manitoba Legislature, January 20th
1914, by HON. W. H. MONTAGUE, M.P.P., P.C., Minister
of Public Works.



HON. W. H. MONTAGUE, M.P.P., P.C., MINISTER OF PUBLIC WORKS.

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SPEECH

Upon rising, the Hon. W. H. Montague, Minister of Public Works, was greeted with hearty applause. He said:

"Mr. Speaker,—In rising to make some observations upon the resolution introduced by the hon. member for Lakeside, may I have the permission of the House to say a word personal to myself.

"I regret, sir, that the occasion of my entrance into this legislature was the serious illness of my predecessor, the Hon. Colin H. Campbell, who was one of my first acquaintances in the province of Manitoba, and a warm friend of my own. I desire to say, sir, in the kindly expressions of regret as to Mr. Campbell, which have been used upon both sides of the House, and, at the same time, to express my personal appreciation of the courtesy which has been shown to me upon my entrance here into a sphere in which I was comparatively a stranger. I am afraid, sir, that for a time at least, I shall have to depend on the generosity of the hon. members upon both sides in regard to two matters—first, my want of knowledge, temporary only, I hope, of the details of the affairs of this province; and, secondly, my want of experience in connection with some of the minor forms of procedure which are peculiar to this legislature.

One Comforting Thought

"There is one comforting thought, however, and it may be quite properly expressed in connection with the discussion of this subject, and that thought is, that anyone who has, at any time, had experience in a legislature or parliament in any part of the British dominions finds himself not a stranger in a parliament or legislature in any other part of the British dominions; and this fact is a testimony of the underlying fact that the British people have absorbed a thorough appreciation of the value of British institutions, and that wherever they go, and wherever they are, when the time comes for the establishment of a legislature, they invariably turn intuitively for an example, both as to constitution and parliamentary practice, to the great mother of parliaments. (Cheers.)

Congratulate Member

"At the very beginning I desire to congratulate my hon. friend who moved this resolution, upon both the form and manner of the address which he delivered; and he is entitled also to our congratulation by reason of the study which he has made of the subject. He will not, I am sure, object to my saying, however, that when I was listening to his address I was, at the same time, wondering why he did not find it in his heart to devote the attention which he had evidently given to this subject to some project which he might have, in the long years which I hope are before him, an opportunity of seeing accomplished.

"There is one matter upon which I cannot congratulate my hon. friend, and that is that, evidently, in his opinion, this legislature has not demonstrated ability and disinterestedness in its record of legislation. I had been led to believe, that this legislature had, in the past,

anticipated the wants of the people of the province of Manitoba and that its legislation for the people was wise and progressive. I should be very sorry, very sorry, indeed, to believe that I was mistaken in that impression. (Cheers.)

Sweeping Aspect of Resolution

"It has been my privilege, sir, during the course of a somewhat long parliamentary career, to take part either pro or con, in want-of-confidence motions moved in regard to governments; but this is the first opportunity which I have had of entering into a discussion of a motion which may be properly described as a motion of want of confidence in the whole of the legislature including not only the government and its supporters, but hon. gentlemen opposite as well. (Laughter.) The resolution says that the system proposed would have the effect of suggesting wise legislation.

"The government, led by my hon. friend, who sits beside me, and who is my leader, and the leader of this House, believes that it has introduced wise legislation; that it is constantly introducing wise legislation, and that its legislation has been along progressive lines, and for the advantage of the whole of the people of the province; but, if it has not been of such a character, then it was the bounden duty of my hon. friend, the leader of the opposition, and the gentlemen who support him, to introduce legislation that would have been wise. And this resolution is, therefore, I submit, sir, a specific condemnation, not so much of the government as it is of the hon. gentlemen opposite, themselves. (Cheers.)

Not Old Resolution

"My honorable friend from Lakeside moved a resolution last year upon this same subject. I congratulate him upon the fact that he has not reintroduced his resolution of last year, but that he has materially changed it. As to his resolution of last year—why has he done so? Was it too long? It was only short, Sir. That he has changed it is evidence of the fact that he has been investigating the subject more fully, which is, of course, commendable in the highest degree. It is also evidence of the fact that he has probably been consulting some legal gentleman associate—probably the member for West Winnipeg, who is a lawyer.

"And so he asks us this year to speak in a very indefinite manner upon the subject upon which last year he asked us to speak definitely. He has probably seen the danger of his position last year; he has probably learned, as it must be apparent to everyone, that there is a constitutional question involved. And the raising of that constitutional question he has probably endeavored to avoid by making the resolution indefinite instead of specific, as it was in 1913.

Constitutional Problem

"Touching upon the constitutional side of this question, Sir, it is well understood that our constitution provides that the Crown and legislative assembly shall make laws for the province. It is equally well understood that no other assembly or body of men has any such powers. It is equally

well understood by everyone who pays any attention to the subject, that under our constitution this legislative assembly has no power to delegate its powers as to making laws to any other body, or bodies, of men.

"There is no necessity now of discussing the matter as to whether last year's resolution was in order. It is possible that this year's resolution may be out of order also. But if the honorable gentleman desires to make himself absolutely safe in this regard he might have moved that an address be presented to the parliament whence comes our constitution, asking for changes in the same that would permit of the introduction of a system of direct legislation. It would appear, however, Sir, that this would not be as wise or diplomatic from his standpoint as the indefinite resolution which we are now discussing.

Manitoba's Constitution

"My honorable friend, the distinguished leader of the opposition, has declared openly, and I am sure the House congratulates him upon his declaration, that Manitoba has one of the best constitutions, or best governments, in the world. I am sure that my honorable friend did not mean to refer to the government of which I am a member. That would be too generous to expect, even from my honorable friend. He meant the system of government which we possess.

"My honorable friend is upon safe ground in that connection, for I am quite satisfied that 99 per cent.—and perhaps more—of the people of this province believe in the declaration which he has made, and it would be dangerous, Sir, for the honorable gentlemen opposite to announce in a resolution to this House that they desired to change—or even propose—to change the constitution of the province of Manitoba, for the purpose of introducing the system of government to which the resolution of my honorable friend from Lakeside refers. (Loud cheers).

What Resolution Means

"I am not, Sir, to-night going into the full details of what that resolution may, or may not mean. As I have stated, it is somewhat vague, and therefore one would have to travel over a very great deal of ground. But, in order to discuss it intelligently, I may in fairness say that it must be divided into two parts—first, referendum, and second, initiative. By the way, my honorable friend has deleted another measure usually included with these, and that is the recall. Why has my honorable friend left out the recall?"

Mr. McPherson (interrupting): "We can soon get that if we get the initiative."

Dr. Montague: "Quite so. Then we can understand that the honorable gentleman's object is to get the initiative, after which it will be an easy matter, in his opinion, to get the recall. Please note that to that he assents quite willingly. I quite agree with my honorable friend that the recall follows after the initiative is adopted, practically as the night follows the day. I am delighted that my honorable friend has made this declaration because it clears the atmosphere; and we now have it defined as a policy of the opposition that the recall should be established in the province of Manitoba, and that the initiative is desired for that purpose. (Cheers).

Policy of Liberals

"This shows that the policy of the Lib-

eral party is really the policy which was declared for and laid down by the Socialist party in the last February elections in the United States, the platform of which I have now in my hand and which declares for referendum, initiative and recall. In this connection, and supporting what my honorable friend has stated, and what I myself contend, I may add that this recall was one of the first measures of importance which was introduced into the State of Oregon under the initiative. I want to impress the fact I have just mentioned strongly, Sir, upon your attention. This policy introduced by the member for Lakeside is a product of socialism—is, in fact, an exact copy of the plank in the Socialist's platform. (Applause.)

Types of Referendum.

"May I ask what type of referendum the honorable gentleman proposes that we should accept and put into force? There are many types of the referendum—indeed, as many types as there are colors in the rainbow, or, I was going to say, as there are members supporting the honorable leader of the Opposition. Which one of these types is it proposed we should accept? Or, should we accept not only one of them, but all of them? The first type is that petitions signed by a small percentage of the voting population ranging from three, in some states, to eight per cent. or more in other states, shall be able to demand that any and every act passed by this legislature shall be submitted to a direct vote of the people before it should become law.

"My honorable friend's resolution declares that the system which it proposes can be adopted without derogating in any way from the dignity of this legislature. May I ask him whether to pass such a resolution would not be an absolute want of confidence in this legislature? May I ask him what is the evidence, which is in his possession, that the people have lost confidence in this legislature? I do not mean confidence in the government, although we are quite satisfied on that score, but I mean in the legislature itself, composed of both parties as parliament to pass legislation for the people. (Cheers). Or, does my honorable friend mean by this resolution, in that part of it which refers to the referendum, that every act of this legislature without such being requested by petition should be referred to the people before it becomes law?

What Does It Mean?

"And, if so, what does that mean? It means that after each session there would be practically a general election in this province, and I do not hesitate to say that the people of Manitoba will object to any such proceeding. My honorable friend may say that the various states in the United States do not object to it. Well, while we are not wise in following their opinions, in my judgment, nevertheless, the answer to that is that they have an election anyway, each year and this would make little difference to them, if any. And, I think I am voicing the sentiments of those who understand anything of the system of the United States when I say that frequent elections are the course of that country at the present time. (Cheers).

"Does my honorable friend mean to say that there is a necessity for referring legislation passed by this House to the popular vote before it becomes law? If so, the

necessity must exist by reason of one of two things. First, that the people are not able to judge of the ability and character of the men who represent them. I have no such opinion of the people of the province of Manitoba. As I have met them, they are intelligent in public affairs and are quite able to judge of the class of men who they may desire should be their representatives to act for them in the making of laws; second, the members of the legislature have proven themselves unintelligent as to legislation, or untrue to the trust reposed in them. Is there any foundation for any such charge? Or, have the members of this legislature, during its history, proven themselves clean and beyond reproach, doing their duty as they have seen it according to their light?

Fourteen Years at Ottawa

"I had the honor of a seat for 14 years and over, in the House of Commons of Canada, and I am proud to say that while the battle of party warfare raged in an unmistakable manner there, nevertheless I never heard expressed in all that time by anyone, a suspicion that any member of the House of Commons, belonging to one party or the other, had ever shown himself capable of being approached improperly with regard to legislation proposed in the House, or dealt with in the committees of the same.

"And I believe, sir, from what I know, that the same may be said of the members of this legislature during all the years of its history. Take, for instance, my honorable friend the leader, the distinguished leader of the government. Take my honorable friend the distinguished leader of the Opposition. Both of these gentlemen have been returned repeatedly to this House by reason of the fact that the public have confidence, that, according to their light, they have served the public honestly and well, and the same may be said, I am sure, of many others of the older members of this legislature. It seems impossible, therefore, that the second ground to which I have referred is a tenable one upon which to declare that this legislative assembly has not been true to the best interests of the province. (Cheers).

Optional Referendum Now

"The honorable member for Lakeside may say that in this proposed system he does not look for the compulsory, but the optional referendum. But we have the optional referendum now. This legislature may, at any time, submit any question or any law which it may now pass or propose to pass, to the people for a vote. But, sir, it stands to reason that this is not what the honorable gentleman proposes, since, as I have already stated, we have it now.

"But, the honorable gentleman may say it is not as to general laws that he desires the referendum, but rather to constitutional amendments only. But, sir, such would be of no value, because the constitution of this parliament was not made by itself, nor by the people of this province, and it could only be amended by the body which gave it birth. And, I am glad, sir, that this is the case. We are told by one of the best thinkers of modern times that 'where law ends tyranny begins.'

Another Argument

"It is equally true, sir, that where stability of constitution ends constitutional tinkering begins and there also begin to decline the stability and solidity of the state. (Cheers). There is another argu-

ment upon this matter to which I wish to refer, and I refer to it more particularly because my honorable friend the leader of the opposition as well as the gentleman who introduced this resolution has laid particular stress upon it, and that is the argument that the system of direct legislation would create a much greater interest in public questions among the people, and therefore serve as a most useful educative process. Let us examine this contention in the light of history. First, as regards Switzerland where direct legislation has been in force for a number of years. Take Berne—the largest and most populous canton in that confederation. The majority of votes capable of being polled in that canton has only been registered nine out of sixty-eight times, and only about one-third of the votes capable of being cast are usually cast throughout the whole of Switzerland.

Judgment of the People

An eminent author (William Bennett Munroe) dealing with that subject, states that people grow tired after the novelty wears off, and what passes for the judgment of a majority of the people is really the judgment of a minority among them which happens to be immediately interested in the question and this point is emphasized by another phase of its history here. In Berne itself the vote for years was so small upon measures submitted to the electorate under the referendum that it was felt necessary to pass a compulsory voting act. And what was the result?

Many Blank Ballots Cast

"It increased the number of people who went to the polls, sir. It increased the vote actually cast, but when the votes were counted it was found that the increase largely consisted of blank ballots. In other words, the people felt that under the law they must go to the polls, but apparently, they felt they were not sufficiently versed in the issues to be decided to vote either one way or the other. The same experience to some extent resulted regarding petitions in Oregon, and the other states of the union which have this system. (Hear, hear!)

But we need not go so far afield. Recently we had a vote under the referendum upon a most important question in the very vicinity in which we stand tonight. I refer to the great water question submitted only a short time ago to the electors of the city of Winnipeg. Winnipeg is a city of 200,000 and over people and yet, sir, although the question of the water supply for the city of Winnipeg was a question which interested every man, woman and child in this city and affected every feature of their life—domestic, social and industrial—and although \$13,500,000—a large sum—was involved, is it not a fact that only 3048 votes were polled in the whole city of Winnipeg upon this question of such far-reaching importance. (Hear, hear!)

Votes in Saskatchewan

"Then my honorable friend referred to the province of Saskatchewan in regard to a vote which has recently taken place there in connection with the very subject which we are discussing now—namely, direct legislation. It was submitted to the electorate and literally kicked out of the province. (Laughter). My honorable friend apologizes for the vote being so small there. I believe it was less than 10 per cent. of the total vote of that province,

and what does my honorable friend offer as an excuse for the smallness of that vote? He offers the excuse, and it is a legitimate one, namely, that the people could not be induced to go to the polls for the reason that there was neither party spirit nor a candidate before them in order to create interest enough to induce them to go and cast their votes. There is in this, an unanswerable argument against the declaration that direct legislation would create a very widespread and healthful interest in public questions. Is it not also, sir, a strong comment upon the so-called popularity of the system which my honorable friend proposes. We have been told that this system was being demanded by the people of the west. Saskatchewan said no, and said so emphatically, though only a very small percentage of the voters bothered about it at all. (Cheers).

"He was good enough to tell us that both parties in Saskatchewan were in favor of direct legislation and yet notwithstanding that there seemed to be no one opposed to it, the proposed system was treated almost with contempt. I am afraid, sir, that my honorable friend has over estimated the strength of feeling which he supposes, and I have no doubt suppose honestly, exists in the minds of the people for this Utopian plan which is proposed to remedy all the ills to which a state is heir.

To Arouse the People

"The point I make, Sir, is this: That personality and party spirit is necessary to arouse the people who are electors to take a deep interest in the public issues. At least these two things are exceedingly helpful. There is also, Sir, a reason in this country, and a very strong reason, why people do not vote in larger numbers upon specific questions that are submitted to them. Under our British system of delegated authority the people have learned to have confidence in their representatives who are acting for them either in municipal councils, in legislative assemblies or the Dominion parliament, and the consequence is that trusting to these representatives they become somewhat indifferent so far as attending at special elections is concerned to express their opinion on specific questions. And is not the system of delegated authority universally applied in business institutions? Take our great financial institutions? How are they directed and governed? Are they governed by direct legislation or are they governed by parliament within themselves? Does not every financial institution or large manufacturing or industrial institutions elect its board of directors who manage the affairs for the shareholders? (Cheers).

How It Works in Business

"I had a conversation with an old business man of Winnipeg the other day. He is the holder of stock in several banks, and he said to me, referring to this very question, 'When the banks or the companies in which I am interested decide to do away with their boards of directors and allow the shareholders direct to manage their affairs I will sell every dollar of the stock which I hold in every one of these institutions for what is the business of all is the well cared for business usually of none.'

"I notice, Sir, that recently there was held a meeting of the Union of Municipalities of this province. I have failed to notice, however, and I read their proceedings carefully, that any effort was made

and any motion was offered in favor of direct legislation in the municipalities, and to do away with delegated authority. I did notice, however, Sir (and it is a matter of note), that there was a resolution which the report of the proceedings says was debated ably and with much vigor upon both sides in favor of abandoning the present system which is in force in the municipalities and to adopt the commission form of government. (Cheers).

"That is as far as possible, Sir, from direct government. It means the lessening of the number of delegates, but it means also increasing the permanency of their office, and widening of their powers. And has this been adopted in many municipalities? And I suggest to my friend that he should inquire of municipalities in various portions of the country, and he will find I am sure that there is a stronger feeling in many places for the commission form of government than there is for going to the other extreme of direct legislation.

Among the Farmers

"I noticed also that the Grain Growers' association passed a resolution which was quoted by my honorable friend. This resolution was in favor of direct legislation. However, the members of that association seemed to be wiser than this resolution would appear to make them out, for, having passed the resolution in favor of direct legislation they turned immediately around and elected a parliament or board to whom they delegated full authority to act for them during the year in the governing of their institution.

"In other words, Sir, they seemed to be quite willing to allow the trial of direct legislation to be made elsewhere, but they seemed to add, 'As far as we or our company are concerned we will stand by the tried and settled system of the past.' (Laughter).

Jefferson's Opinion

"I want to say, Sir, that modern times have the signal advantage of having discovered the only device by which the equal rights of men can be secured, namely: that of government by the people acting not in person, but by representatives chosen by themselves. I want to add, Sir, that these are not my words, not the words of my honorable friend, the distinguished Prime Minister of this province, not the words of any public man fighting the interests of the masses against the masses. They are the words of a great tribune of the people—Thomas Jefferson, the author of the Declaration of Independence of the United States of America.

Quotes President Wilson

"Let me quote another distinguished American, and these are the words of President Wilson when teaching the students at the university of which he was president—teaching them ostensibly what he believed to be wisdom so far as systems of government were concerned, and so he said 'A government cannot act organically by its masses. It must have a law-making body. It can no more make laws through its voters than it can make laws through its newspapers.' What, Sir, was his reason for this? Let it come from himself. Was it because the people could not be trusted? No. But because those who make laws must come together and discuss their provisions and take common counsel together."

"Will my honorable friend suggest a method by which the people of this province can come together and take common counsel upon acts which it is proposed to pass, by any other means than by a system of delegated authority—by a system such as we have now, namely, of a representative assembly? We have referendum. My honorable friend seems to forget that we have a referendum in every country governed by British laws, and that such is not only a referendum on questions but it is a referendum on governments and upon men as well. And such a referendum is best, for men are not likely to administer well or acceptably laws with which they do not agree, and it would be little use I submit, to pass laws and leave in power those who are opposed to the same laws to carry them out. My honorable friends know that we have a referendum in this province. They are the victims of repeated referenda. (Laughter). We shall have another soon, and we have no hesitation in saying that we upon this side of the house shall be satisfied with the results. (Cheers).

Approved by the People

"In 1900 Sir Rodmond Roblin was, by a referendum of the people of this province elected to office. He has submitted his government and his legislation repeatedly to the people, and it has repeatedly been approved. My honorable friends say, 'Why not trust the people?' The government of this province does trust the people, and it has no reason why it should not continue to trust the people. Rather, Sir, it has reason to adopt the expression of that old Greek statesman, Pericles, when he said, 'The people of my country while they are not all statesmen or politicians, are nevertheless good judges of a wise and sound public policy.' My honorable friend has made much of the position taken by Lord Lansdowne and Mr. Balfour in England when they spoke of a referendum upon the question of the House of Lords, and on Home Rule. And he has adduced this as evidence that in England there is a great demand for direct legislation.

"There is no demand in England for direct legislation such as is proposed by my honorable friend from Lakeside. And the position taken by Lord Lansdowne has no more to do with the question of direct legislation as we have it advocated here today than has the action of the suffragettes in practically mobbing parliament in the Old Country a connection with the presence in this gallery of ladies to listen to the debate. What are the facts? It was proposed by the government to seriously restrict the powers of the House of Lords—the House which has been an integral part of the parliament of Great Britain, with wide powers for centuries. It was proposed by the government of Great Britain to pass Home Rule for Ireland. These were two grave and important questions involving in the opinion of many the future of the Empire. There were a very large number of people who, it is quite true, considered that they were wise measures. It is freely admitted that there were a large number of people on the other hand who regarded those lines of legislation as likely to help destroy and dismember the Empire.

"Without expressing an opinion on this point, it is very clear that the position taken by the distinguished leaders to which my honorable friend refers, was this: They

stated to the government, 'You have no mandate from the people for these great departures upon these two questions. You have been some time in power. We believe that the people do not agree with you on these proposals. We ask you to go to a general election and meet the people giving them an opportunity of passing their opinions upon these questions, as well as upon the general policy of your government, and we shall be satisfied with the result.' There was, note, no proposition that there should be a ballot submitted to the people upon special certain specific laws, amendments or acts, upon Home Rule or the reform of the House of Lords, upon which the electors should simply answer 'Yes' or 'No.' (Cheers).

Policy of the Government

"The question was whether the government's policy in these two matters was wise, and whether the government itself should be longer trusted with the direction of affairs in the Motherland. Every election under the British system is a referendum, I repeat, Sir. And it is a referendum which not only decides questions, but which decides the fate of governments. But such is not the case in the United States of America. It may decide the question at issue, but it may not decide the question of who shall govern for some time to come. That is the strength of our system and one of the striking weaknesses of theirs. In Canada also every general election has really worked out as a referendum upon some great question. Take, for instance, 1873.

"The general election then was a direct vote by the people upon the question of the national policy—namely as to whether we should save our markets for our own people, or whether we should permit others to use them who were not giving us the advantage of their markets. The election of 1882 was a great referendum upon the wisdom of the policy of the Canadian government in making an arrangement with certain people upon certain terms for the construction of the great national transcontinental highway—the Canadian Pacific Railway, which has done so much for the development of Canada. The general election of 1891 was a referendum upon the question of unrestricted reciprocity with the United States of America. The general election of 1896 was a referendum upon the Manitoba school question, as to whether the government was right in believing that constitutionally they were compelled to issue a remedial order.

Another Referendum

"The general election of 1911 was another referendum, and it was then upon the question as to whether Canada should adopt the Paterson-Fielding reciprocity pact or not. Thus I have shown, sir, that almost every general election held since Confederation in this Dominion, was an occasion of a direct vote of the people upon some question of surpassing importance as well as a vote of confidence or want of confidence in the government of the day. Indeed, every election, it may be properly said, has been of the same nature.

The Initiative

"Now I come to the second part of the hon. gentleman's resolution, namely the initiative. Unlike the referendum, no misunderstanding can arise as to what this means. It means simply what it says, namely, that a certain number of petition-

one may compel the legislature to submit a certain bill to the people, or, that a certain number of petitioners may themselves submit to the people a certain bill or act, and, if it is passed, it becomes the law of the land. As I have said, sir, there is not much use in going into this very fully for the reason that while it is an interesting academic question, it requires a long train of constitutional changes in order to put it into effect. I am sure the people of the province would hesitate a very long while over it before adopting it. I don't believe they will ever adopt it. But there are two facts with regard to it that I want to discuss, with the permission of the House. First, why has it been adopted in some of the States of the United States of America, and, second, what are the facts in connection with its results there and elsewhere.

Not Fair Parallel

"Before I deal with these two divisions of the matter may I say that very much has been said in this debate, as well as in the debate last year, with regard to Switzerland, which has, for many years, had a system of direct legislation. Personally I am not acquainted with Switzerland. I have never visited that interesting country. I do know that it is a small country; that its problems are not great, such as we have. It has had no great past, nor is it likely to have any great future. My hon. friend, the leader of the government, stated last year, I understand, that it was a place. It really is a collection of cantons, kept together, not by its own inherent strength, but by the jealousy of the surrounding powers. There is one fact which ought to be noted when we come to consider this question, and that is that Switzerland never had a system of responsible government such as ours.

A Plutocracy

"It has bureaucracy, or if you prefer to call it, plutocracy, under which there was, no doubt, a dearth of healthy legislation in the interests of the people, and the system of direct legislation now in force, was undoubtedly the natural swing of the pendulum from practically despotic rule to democracy in the extreme. I note, however, sir, that all this laudation of Switzerland, which would make us believe that the millennium has come there, is greatly exaggerated. Those who discuss the matter, and who would have us believe that everything has been done for Switzerland by the system of direct legislation, do not seem to have delved very deeply into the facts. Desiring to be absolutely candid upon the matter I want to say that the referendum has had some good effects in that country, by reason of the condition which it originally was in. I have sought the evidence of unprejudiced observers upon that question, as well as upon the question of the initiative there, and I am adopting the judgment of these unprejudiced observers when I say that, while the referendum has been of some value, the initiative has effected little either one way or the other.

Reads Interesting Reports

"In order to give the House the evidence upon which I am basing my opinions, I am going to ask the House to permit me to read a report by Professor William E. Rappard, of Geneva, who is a professor of economics at Harvard University. Being a native Swiss, and living under conditions which he portrays, it will be understood that he knows what he is talking about. That he is not a prejudiced witness in be-

half of my argument is clear, because he is favorable in ten sentences out of twelve to the system of government in vogue in Switzerland. Here are the main points from the conclusions to which Professor Rappard comes: "The quantitative use of the popular vote in Switzerland has, on the whole, been conservative. Can the same be claimed for its qualitative effects? In order to answer this question we must naturally distinguish between the initiative, which is most essentially a positive institution, and the referendum."

"The initiative has often been used in Switzerland as a tool to undermine the position of the party in power. . . . (I am sure my honorable friend the leader of the Opposition would not favor it if that were true. He is far too generous for that). (Laughter). . . . The initiative has, further more been resorted to in certain specific instances where the emotions of the people were more deeply aroused than those of their representatives. Such has frequently been the case in criminal matters. . . . A third class of measures in favor of which the initiative has been resorted to, is of an eccentric and often of an extremely demagogic nature. Such is, for example, the 'right to work clause' which the Socialists sought to introduce into the Federal constitution in 1904, and the onslaught on the Federal finances, which was attempted in the same year by a group of citizens who demanded that the government should hand over to the cantons a sum of two francs per head of the population out of the receipts of the customs. Both these proposals were voted down by tremendous majorities. The initiators had been encouraged by the success of a less perilous, if not less peculiar measure which had been adopted in 1903. By the popular initiative a constitutional amendment prohibiting the butchering of cattle according to the Hebrew law had in that year been added to the Fundamental law of the country. This strange and illiberal measure, which had been carried amidst the indifference of the public at large, thanks to the combined influence of the Jew haters and of societies for the prevention of cruelty of animals, was the first product of constitutional initiative. (Cheers).

Amendment to Constitution

"The only constructive measure of importance which Switzerland owes to this institution is an amendment to the constitution by which the federal government in 1908 acquired the right to legislate on the subject of hydraulic resources when any interest was at stake. This right had before been vested in the individual cantons, and the federal assembly, whose members are often members also of the cantonal executive boards, or legislative bodies, had not seen fit to take the first steps towards depriving them of it."

Our Water Powers

Continuing, Dr. Montague said: "Will my honorable friends please note that the only bill of importance which this authority states is traceable in Switzerland to the initiative, is the one which took the hydraulic powers out of the hands of the states and put them into the hands of the federal authorities. I am sure that the members of this House would not regard that as wise legislation so far as we are concerned in this province.

"I am glad to be able to say that the policy of the government of this province

is directly opposed to it, and not only that, Sir, but I am still more glad to be able to say that the government of my honorable friend, the prime minister, has protected the whole of the interests of the province of Manitoba in that regard. We have already demanded in a formal way of the federal authorities that the water powers on the Winnipeg river, and the other portions of the added territory (and which we hope, Sir, will be some of these days, developed for the use of the people of this province), shall not be alienated, or in any way placed under the control of private parties without the consent and approval of the government of this province. I think that the Government of Canada should have acceded to this request with alacrity, thus evidencing their desire with us to protect the interests of our people, and I am sure that this House will approve of the action which the government of the province have taken in this connection. (Cheers).

Important Laws

"And now let me turn from a native Swiss of great learning whose attitude was one of great friendship to the system in vogue in Switzerland, to the opinions of an independent observer, namely the vice-consul of the United States at Berne, sent to his government at Washington and presented to the senate of the United States by Mr. La Follette, on July 13, 1909. The report says:

"The great questions of centralization, civil statutes, laws of marriage and divorce, bankruptcy laws, the customs tariffs, the railroad purchases, employers' liability, factory laws, unity of the conflicting cantonal civil and criminal laws into a federal code, the military organization, the pure food law, etc., all of which are things of the past, were congressional measures. It may safely be said that the initiative can be of decided and positive value only in districts small enough to enable the average citizen to form a conscientious opinion upon projects of such local significance as to be well within his practical knowledge, but, in addition, he must exercise his duty as he sees it at the polls.

"With a comparatively small number of signatures requisite for an initiative measure, its danger lies in the fact that it may easily be prostituted by factions, cliques, malcontents, and demagogues, to force upon the people projects of partisan, freak, or unnecessary legislation." (Cheers).

"Here is evidence, Sir," said Dr. Montague, "of one man intimately acquainted with and favorable to the Swiss system, and the other, as I have stated an independent, unprejudiced observer, and I leave the opinions of these two men to the judgment of this House and of this province, as to whether the system has worked wonders, and is such a marvel of beauty, politically, and of perfection in that country as honorable gentlemen seem to want to impress upon this House it is.

Progress in the States

"I now come, Sir, to the United States of America. Admittedly the question of direct legislation has made some progress there. There is, however, Sir, I submit, only one state in that great country in which it is sufficiently under operation that we may judge intelligently as to its effects. Let me observe, first, Sir, that it has made no progress in the broad field of the United States federal politics, although it was mentioned more than half a century ago.

It has never been advocated for adoption by the republic.

"Senator Bourne, who is its most active defender in local legislative politics has published a 51-page defense of it and yet in those 51 pages he never once advised its practicability to the government of the United States. I can quite understand his refusal to do so, for Sir, in my judgment, there could be no greater political calamity happen to the 100,000,000 people, nearly, in the United States of America, than to have this system foisted upon them—a system by which a few thousand theorists, and it is a country of theorists—could ask for a popular vote upon every question dealt with in the congress of the United States. Or, Sir, could ask for by petition and have as the result all manner of novel, peculiar and freak legislation submitted repeatedly to the vote of the great population of that country. I think, Sir, my sentiments in this regard will be thoroughly agreed to by every man who knows anything of the intricacies and difficulties, not to speak of the dangers, of such a proposition. (Cheers). Its progress has been in only the smaller communities, principally in the Western States. There it has found fertile soil.

Analysis in the States

"And why has it found fertile soil there? First, Sir, because the American republic has no real representative or responsible government anywhere. We have heard much of the boasted liberty and freedom of government of the people, by the people, for the people in the United States, but, Sir, at the present moment 135 years having elapsed since its institutions were formed, anyone who knows the facts will not hesitate for a moment to say that the United States is today as far behind Great Britain and her colonies in the question of real control of the affairs of the nation or states by the people as they expected to be ahead of us by this time. (Hear, hear!)

"The institutions of the United States were conceived and carried into effect by patriotic men moving in small circles in a small community and in an atmosphere which had not yet been tainted with the spirit of political partisanship, or impregnated and disturbed with the clash of conflicting interests of North and South, of East and West, of labor and capital, of the great masses of urban and rural population. But that tainting and these clashes have come with terrific force and power in these recent years, and it is being discovered more and more every day that the institutions which were useful in their day and under the conditions for which they were formed, are now absolutely unfitted to grapple with the vast problems brought about by the enormous increase in the population, industry, and interests.

Popular Rule

"Take a glance at their federal institutions boasted of so long as the same of popular rule. Look at the senate of the United States—the constitution of that senate, which has become really the great power in American political control. This body is composed of two senators from every state of the union. Rhode Island, no larger than a county here, has as much voice in the senate as the great empire state of New York, and always will have, for my honorable friends know that that is one of the things in the constitution of the United States that can never under any circumstances, be changed. What would

my honorable friends think today of Prince Edward Island—the tight little island in the Gulf of St. Lawrence, with its three counties—having an equal voice in the Canadian senate with the great home province of Ontario, or with any one of these great provinces in the west? (Cheers).

"Then look at the cabinet of the United States. How is it selected? By the president himself. How is it kept in power? By the president himself. Is it responsible to the houses of congress? Not at all; its members have no seats in these houses. Congress has no control over the cabinet. The members of the cabinet may be absolutely out of sympathy with congress, and congress may be absolutely out of sympathy with the cabinet, and yet the members of the cabinet retain their places until the end of the presidential term, or, at any rate, so long as the president desires to continue them.

U.S. Cabinet Absolute

"In other words, the cabinet of the United States is absolutism instead of democracy, and is irresponsible to the people for the correct discharge of the great functions of administrations. From day to day, and from year to year, the cabinet continues spending the millions of the people's money; continues the deciding of great questions of international concern, upon the settlement of which the very peace of their nation and of the world may depend, and yet, they may be, as I have already stated, absolutely and completely at variance with the congress which is supposed to represent the people. (Hear, hear!)

"I have no doubt, sir, that this was the thought in the mind of my honorable friend, the leader of the opposition, when he said that our system of government was the best. I need not refer to our cabinet in Canada. The members of our cabinets must have seats in parliament. They are subject to the control of parliament. If parliament is against them they must step out and other men take their places. The defeat of a government demands the immediate resignation of the cabinet and the selection of a cabinet is made from the number of those who were opposed to them, and who by reason of the election are returned to the House of Commons. But, if bad in federal affairs how much worse is the condition constitutionally in the local legislatures of the states, and it is in those legislatures where the plant of direct legislation has flourished chiefly. And it is from this garden that my honorable friend desires to bring the plant and to propagate it in the soil of Canada, in the soil of Manitoba. (Laughter).

View of Bryce

"What does Right Honorable James Bryce say? He knows the American constitution well. He wrote the best work that has been written on it, called the 'American Commonwealth.' He was for years ambassador from the Court of St. James to the government at Washington. There is no man, therefore, better able to express an intelligent and weighty opinion upon the subject as to why the system has obtained a foot-hold in American politics. And here is what he says: 'The growth of the sentiment for direct legislation is not due to any abstract theory, or the example of Switzerland, but it is the natural outgrowth of the habit of submitting to a popular vote changes in the constitution of the various states.' And why are these

changes, sir? Well, in order to answer that question we must ask ourselves what is the system of government in connection with the individual legislatures of the various states. The members are elected from the people. They are all equal one with the other. No leader is officially chosen. No government or cabinet exists in these legislatures. No one represents the people officially, except as the members do individually. The speaker is elected. He divides the legislature into committees. These committees meet and vote the money as they please. And you say to me: 'Who administers the affairs of the state?'

"The civil service, Mr. Speaker, the officers of the state, having no connection whatever with the legislature and no responsibility to and who are not answerable in any way to the legislature. No better description of the condition which prevails in these legislatures can be had than that of Mr. Bradford, one of the leading publicists, in a new work called 'Readings in American State Government,' from which I quote these words: 'Consider how our legislatures try to govern. When they meet in session there are two houses in each state varying from fifty to three hundred men, all representing different districts and all precisely equal. There is nobody there representing the state as a whole, or state administration. The only duty of each member is to get all he can for his constituents, and he would be regarded as impertinent if he interfered with the schemes of any of the others. Every member can propose as many measures as he pleases, and they are all termed, on an equal footing into a number of committees made up by the speaker, who is elected for that purpose. At its discretion and will the legislature, with 'little discussion, passes what the committee recommend.' (Applause).

How to Spend Money

"Perhaps I may relate an instance which I learned from a member of one of the state legislatures. He was a friend of mine, and while the legislature was in recess it became necessary for him to attend to public duties—which occasioned frequent visits to some remote part of the state. He explained to me that these visits were occasioned by the fact that a grant had been secured to build a bridge in a certain part of the state in the legislature of which he had a seat. He was also a member of the bridge committee. And while the bridge was complete the whole of the appropriation was not gone, and in order to spend the balance of the appropriation the committee was making frequent inspections, and these inspections, he said, would cease only when the bottom of the appropriation was reached. So, sir, while there may be some claim made by those who do not know what responsible government really is, that such exists in the federal constitution, no one having any idea whatever of that form of government can for a moment contend that such exists in the legislative assemblies of the various states.

Constitutions Weak

"Referring again to Mr. Bryce's statement, I state here to this House and to the advocates of this system, that four-fifths of the acts submitted in the United States, under the initiative or referendum, apply to the effort to fix up the constitution of these States. This is why direct legislation has found a home in these particular communities; and even worse than that. Not only is the constitution weak, but the

courts maintained their power and destructive influences upon these institutions and their legislation, with even worse results. Constantly the courts are deciding in the most extraordinary way as to local legislation, and as to the administration of local laws. May I give you an instance? In Iowa there is a very comprehensive statute as to the punishment for frauds.

"Undoubtedly under its constitution Iowa has a right to pass and put into force such a statute. It has been long in effect there, as a matter of fact. Recently, however, there was a series of frauds perpetrated in one of the leading banks in the state, and a large number of people suffered by reason thereof. Prosecutions of these people was undertaken by the state under this statute against fraudulent practices; but, it was held by the United States' courts that as that particular bank had a national charter and was a National bank, the legislature had no right to punish those who had perpetrated the frauds, there, notwithstanding, as I have already stated, that the statute against frauds was perfectly constitutional. (Cheers).

British System

"It may be said that my opinions on these matters, and the opinions of my colleagues are prejudiced, because we are in sympathy with the British system. But, in order that I may remove that impression—if it should exist—let me quote President Wilson, of the United States, who, speaking at Kansas City, May 5, 1911, declared as follows: 'Again, sir, if we felt that we had genuine representative, responsible government in our legislatures, no one would propose the initiative and referendum in America.' Let me speak of and bring the testimony of another great American—Theodore Roosevelt. This is what he says: 'I have been asked, 'why support the initiative and referendum?' There is good and sufficient reason, sir, and that reason is that we are without truly representative institutions and responsible government, and if the people are to have their honest opinion expressed under the institutions we have, they must speak directly.'

Direct Legislation Unnecessary

"I am absolutely opposed to Direct Legislation here because I think it is not needed, because I think there is no necessity that demands it, because I believe it would weaken our system of government, because I believe that it is quite out of sympathy with the excellent system of government we have. But I have no hesitation in saying that if I lived under the conditions which prevail in many of the states of the union I would be in favor of that or anything that would help change conditions, because any change would seem to be for the better. (Cheers).

The Effects

I propose now, sir, to deal with the other branch of the subject, and that is to say as to what effects have been produced in the actual operations of this system where it is seen to best advantage, or disadvantage, as you may choose to call it, and that is Oregon. You may say in a moment: 'Why do I select Oregon?' Well, for two reasons: first, as I have stated, because in Oregon it is in full bloom; and, secondly, because my honorable friend from Lakeside gathers his inspiration from Oregon. Does my honorable friend deny this? No! I believe he quite admits it. At any rate I desire to point out this fact that the

'resolution' which he moved last year was as follows:

Last Year's Resolution

"That, in the opinion of this House, the legislative power should be vested in the Crown and Legislative assembly, elected by the people, but the people to reserve to themselves power to propose laws and enact or reject the same at the polls, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and it may be ordered by a petition of the electors. The second power reserved by the people is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety) either by the legislative assembly or by a petition of the electors.

Quotes From Oregon

"Now let me read the amendment to the constitution of Oregon, which placed direct legislation on the same. Here it is:

The legislative authority of the state shall consist of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments and to enact and reject same at the polls, and also reserve power at their own option to enact or reject any act of the legislative assembly. The first act is the initiative, the second is the referendum, and it may be ordered except as to laws necessary for the immediate preservation of the public peace, health and safety, etc.'

"Where did my honorable friend get his inspiration? Do I need to ask? The two are almost word for word the same. His resolution is an Oregon product, and, hence, I deal with Oregon pretty fully. (Applause).

"We are also justified, as it is the spot in which the system is most fully in vogue, to look carefully into its operations there. Now what has it succeeded in doing there? First, let me say that it has not succeeded in banishing the party system or partisanship. Some have advocated it for that reason—my honorable friend himself, in moving the resolution, declared that we had too much partisanship. Well, sir, I quite agree that there are many matters where too much party sentiment should not be allowed to interfere. Nevertheless, I am glad that it has not succeeded in banishing the party system in Oregon. There is some hope, under these circumstances, for that state yet. Attacks have been made on the party system of government in the past, but still it remains the truth that the party system is the very best system according to the experience of every country in the world that has yet been devised.

Some Isolated Instances

"It is true that occasionally independent men, standing out from their parties, perform great service for the state, but it is equally true that it is the men who stand within the ranks of their party, exercising their influence upon its policy, and thus upon those of the government of the country, who have made it possible for government to be carried on in such a way that great schemes of development and progress have been made a success. (Loud cheers). My honorable friend says that our affairs in this province are purely administrative. But let me tell him that the very 'revolution' which he introduced into this legisla-

ture, which is one of principle, is evidence that he is wrong in that regard. There are many matters which are purely matters of administration upon which we should not divide along party lines. But, there are questions arising in this province and in this legislature as there are in every part of the Dominion, which are matters of principle.

No Unusual Interest

"Next, the initiative and referendum in Oregon has not succeeded in creating an unusual interest in public measures among the more responsible citizens of the state. The history of events in that state shows that the number of votes cast for men and for parties are much in excess of the number of votes cast on measures. It also shows the same as in Switzerland, that the number of votes cast yearly is declining. Only recently a very important bill having to do with the administration of justice in Oregon—in fact, revolutionizing that system—was passed by only one-third of the votes of the state. The report of those who are watching the progress of this matter states that people are engaged in their own affairs there just as they are here, and that they finally get tired of being constantly called to the poll to vote upon measures advocated by some theorists and supported by the votes of more theorists.

Legislature Degenerates

"Next under the initiative and referendum in Oregon the legislature has degenerated, as might be expected, into a mere registration committee of instructed delegates, with neither dignity or power. Might this not have been expected? If you would raise the standard of dignity of a legislature you must increase the sense of responsibility rather than decrease it. And the same would be still more serious effects here. The cabinet or committee of the House responsible for good government, responsible for expenditures, and answerable to the legislature for the administration of affairs, is absolutely incompatible with direct legislation as carried out in Oregon.

"And remember this, sir, that the continuation of the cabinet system everywhere throughout the Empire, to everyone who has studied British institutions, is the very heart and centre of responsible government. If we were to adopt the initiative here, we could meet the difficulty thus arising in two ways; either we could have a cabinet with no seats in the House (this is what they have at Washington. Do my honorable friends want this?), or we could abolish the cabinet idea altogether, and let the legislature be ruled by committees named by you, Mr. Speaker, and let the administration of the affairs of the departments be run by the civil service. I do not think sir, that that is the intention of any individual in this province, who has given the matter any thought or attention. (Cheers).

Imperfect Legislation

"Next, sir, the initiative and referendum has produced much imperfectly drafted legislation, which has sometimes led to even the necessity of the courts amending the same instead of interpreting it. The most experienced of us in this legislature, or in any parliament, know the difficulty of drawing statutes properly, especially as there is constantly the fear of these statutes being referred to the courts for interpretation. What is the process here?

"The best experts that can be found, with the longest experience, are first appointed to draft a bill. If it is a govern-

ment bill, that bill is carefully considered in council. It is then submitted to the legislature. It is discussed there, and afterwards goes to the committees appointed specially for the purpose, these committees being composed of members of both sides of the House. It then comes back to the legislature and is passed. In other words, it is made by these various steps as correct as possible.

Anyone May Draft Bill

"In Oregon the system is such that anyone may draft a bill, and if petitions enough are secured in its favor that bill goes to the people for their vote. No amendments can be made to it. The bill may declare that two and two make eight; the bill may declare that Winnipeg is in Oregon, and yet no one in earth has any power to change the wording or correct the nonsense which it may contain. And quite correct, who should amend it? Those who may listen to my words, or who may read them would say no one for a moment could have such a system as that, surely you must be wrong. Well, sir, listen to Senator Bourne, who says in his defence of the initiative, 'A measure cannot be amended after it is filed in the office of the secretary of state, and this is one of the strongest reasons for commending the system.' Strange things have happened under the Oregon plan, and on some occasions the very enacting clause of a bill was left out.

"On one occasion, on a very important matter of legislation, the supreme court found that certain words very necessary to the meaning of the act were left out. The court decided that they knew what the people meant who drew up the bill, and they put those words in the act themselves. Do we want anything like that here sir? We have a great respect for our courts, but we look to them to interpret our statutes and not to amend them. I can quite understand, sir, the storm of protest there would be in this province if the highest of our courts, or that there would be in this Dominion if the highest of the courts in Canada should add one word or even one letter to an act passed by the local legislature in the one case, or by the Dominion parliament in the other. (Cheers).

Dangerous Method

"Next, sir, the initiative and referendum have led to the adoption of that most dangerous method—the recall of officers, legislators and judges. In 1908 this act was passed shortly after the initiative was introduced. Under its operations supreme court judges can be petitioned against and even dismissed from their place. Legislative members can be recalled. A member who takes his seat may be petitioned against five days after he has taken it. And if the number of signatures are sufficient upon the petition, such petition must go to the vote of the people of the state. The member petitioned against has the privilege of defending himself in 200 words on the ballot. Most generous! If the petition carries this member is unseated and a new member must be elected in his place. If the old member is re-elected the same proceedings can be started over again five days after he has taken his seat again, the only penalty being that the petitioners in the second case shall be compelled to pay the expenses of the election which were necessarily borne by the state. By the adoption of this system, sir, it would appear to me that the Opposition—because oppositions are usually most ineffective in bye-elections—might be

very easily destroyed. My honorable friend says: 'We do not propose the recall.' But I have heard my honorable friend from the initiative say, tonight, that the purpose of the initiative, so far as he is concerned, and I think he used the word 'We,' is 'to get the recall. At any rate, sir, it is the legitimate sequence of the initiative, and besides, the Opposition in this legislature asks us to follow the example of the people who have adopted the recall. Every action of the state indeed, in political matters generally, is held up to us as an example for us to follow. (Hear, hear!)

Not Real Democracy

"Further, sir, the initiative and referendum has not led to the existence of real democracy, which was its boasted purpose, a democracy in which the voice of the people is equal, but it has, according to the judgment of those who have been its warmest and keenest observers, led to irresponsible dictatorship by a few men whose objects cannot be regarded as unselfish. The facts are in Oregon, today, that that state is swayed by a Socialistic leader, who boasts of the fact in conversation with his fellow citizens, that while Oregon does not have to do as he says, nevertheless it does.

A Danger Point

Next, sir, it has shown that the system is not one under which communities of small or sparse population are protected as they anticipated they would be by the more largely populated districts. In other words, some selfishness seems to assert itself even in Oregon.

"Now, sir, I submit that if there were no other reason the fact which I am about to mention is sufficient reason that it would be dangerous and unwise to adopt that system for this province. Let me point out this fact, sir, that Winnipeg contains at least 200,000 people; and that it has about four-tenths at any rate of the population of the province. Winnipeg's representation in this legislature—of course, it will be somewhat increased under the new redistribution bill—"

Mr. Johnson (interrupting) — "How many members will Winnipeg get under the redistribution?"

Only What is Fair

Hon. Mr. Montague: "Just what is fair considering all the circumstances and conditions." Continuing, Dr. Montague said: "Winnipeg's representation in this legislature is four members of a total of forty. Or, in other words, one-tenth of the representation of the whole province, with a population of four-tenths, and if matters were to be submitted to a popular vote, the voices of Winnipeg would be four-tenths of the whole province. And, with the immediate surroundings, it could, with very great facility and ease, completely offset the power of all the other parts of the province put together to their great disadvantage. I do not, for one moment, believe that Winnipeg would do that, because it has a broad-minded population. But, nevertheless, sir, I point out the fact that it would be unwise to place such powers in the hands of any one section of this province. Do you tell me that my fear in this regard has no foundation? Let me say to you that some of the states have already found it necessary to require that the petitioners for the introduction of any act must come from a certain number of districts. (Cheers).

"In other words, they are endeavoring to protect themselves against the very

weakness to which I have referred. The fact is, sir, that the more you follow this system the more you discover that it is weak; that the weaknesses are endeavored to be prevented by new bills, and this is continued until the statute books are covered with a mass of legislation, each succeeding bill attempting to fill the holes and to remedy the imperfections that are in the preceding one. What is this due to? Is it not naturally the result of rushing into a new plan not tested by experience, meeting difficulties at every turn that were not anticipated, and which were not provided against, and the consequence is that there is more legislation of a corrective or protective nature than there is upon original principles.

Bills Wrong on Ballot

"May I mention a matter here which indicates how difficult it is to control this system? It has been discovered in Oregon that even the names or titles to the acts which are put on the ballot paper are sometimes put on inaccurately in order to affect the result. The Woman's Suffrage Bill in 1910 demonstrated what is meant by the 'magic of a name' apparently. The bill was described on the ballot as a 'Bill to give every female of age, who paid taxes, the vote,' but the bill itself declared that every female of 21 years of age should have the vote. Then came on the top of that another bill, made necessary by the weakness of the former bill, and that bill imposed upon the attorney-general of the state a very large fine if he did not see to it that the title of each bill properly described the contents of same.

"But, sir, it will not come in this province. The people of this province are intelligent. They know the class of system of government that they have, and they are not disposed to exchange it for the one to which I am alluding.

Much Freak Legislation

"Next, sir, initiative and referendum has led to the introduction of much freak legislation that has come from the hands of irresponsible agitators and demagogues. I have no time to go into this fully, but one has only to consult the ballots and the books of instructions that have been issued in Oregon to know what a fearful question this has been. Let me refer to one bill. It secured on the vote 25,000 or 30,000 supporters. The bill was called 'The People's Inspectors of Government.' Three of them were to be appointed. They were to have seats in the House and desks in the House, and one was always to be present, though they were, of course, not to be members of the House. Their duty was to watch the members of the legislature; to hold a club over them, so to speak, that they would never do wrong.

"They were to publish a gazette every two months, telling what they had done, and the cost of this was to be not more than \$1 per head of the voting population of Oregon. I protest, sir, that if board of inspectors were to sit in the legislature to watch the members of the legislature, that there should be a second board of inspectors to watch the first one. And, if that is reasonable, why should there not have been a third set of inspectors to watch the other two? And this would be carrying out Swift's declaration, 'Big fleas have little fleas upon their backs to bite 'em. Little fleas have lesser fleas, and so on, and infinitum.'" (Laughter).

"May I ask my hon. friend to quote the language of his 'resolution,' whether such a bill, if carried, would have derogated from the dignity of that parliament? But whatever systems we adopt, sir, I feel certain that no such bills would ever be introduced by the people of Manitoba. I have too much faith in their judgment and sense."

Oath Members Take

"But, as I have stated, it is the example of the people who introduced and voted in large numbers for such a bill that we are asked to follow. Taking the question of the dignity of the legislature, may I read to this House an oath which the members of the state of Oregon have to take—and it appears to me that it deals directly with the dignity to which my honorable friend has referred. Here is the oath:—

"I do therefore affirm and promise voters of the state of Oregon that during my term of office in acting or voting as such officer upon any measure, I will always vote solely on my judgment that the bill or resolution will or will not advance the general welfare, and without reference to the vote, action or caucus of members on that or any other measure, and without any understanding in any form with any member or person that I will aid or be friendly to a measure in which he is interested, because he will or may be inclined to aid one in which I am interested." I ask gravely, sir, would any self-respecting member take such an oath?

Getting Petitions

"Next, sir, the initiative and referendum has established beyond recall that the number of petitions required for the introduction of a statute is in no way protective against unwise, unnecessary or freak legislation; and this is just as might be expected. Everyone knows that 'getting of signatures to petitions is a much greater compliment to the man who circulates the petition than to the popularity of the petition itself.' Mark Twain bet a dollar per name that he could get the majority of the people in his municipality to sign a petition asking for the hanging of all red-headed men in that district, and Bill Nye offered to raise the bet to a dollar and a half per name that he could get the red-headed men to sign the petition first. (Laughter).

Getting Names on Petitions

"My honorable friend, the leader of the Opposition, probably wants to establish new industries. Well, this system would do it. It has done it in Oregon. There is a trade in Oregon—a new trade, a new industry—that is, the getting of signatures to petitions, and I am told that sometimes these petitioners have performed peculiar freaks. I am told by an American politician that sometimes they have signed petitions for acts having directly opposite effects. It makes no difference to them because they get from five to ten cents per name, and a profitable trade is waged. It is not every new political plan, sir, which brings a new industry. I read from an American publication an article signed by Mr. Hendrick, quoted by a leading authority, a brief description of how signatures to petitions are procured in Oregon, and which is as follows:

At all times these signature-getters keep busy though they are most active during the April and May following a legislative session. They are found in practically every part of the state.

They invade the office buildings, the apartment houses, and the homes of Portland, and tramp from farm house to farm house. Young women, ex-bank canvassers, broken-down professionals, some who in other communities would find their natural level as sandwich men, dapper hustling youths, perhaps earning their way through college—all find useful employment in soliciting signatures at five or ten cents a name. The canvasser bustles into an office, carrying under his arm a neat parcel of pamphlets, the covers perhaps embellished with colored pictures of the American flag. He gives his victim a few minutes to read the printed matter, and then, placing his finger on a neatly ruled space, says 'sign here.' The business of getting names, as everybody knows, depends more upon the individual than upon the merits of the particular case at issue. This new profession in Oregon has its well-recognized experts and not infrequently one group of canvassers will return disheartened, having absolutely failed in pushing a particular measure, only to have another group go out and return with all the signatures the law requires. (Cheers).

Has Become a Farce

"But, in confirmation of my statement that it has become a farce, permit me to say that Senator Bourne, to whom I have already referred, is now introducing legislation to make it a penal offence for anyone to either pay or receive pay in connection with the procuring of names to a petition. What a pitiful system to endeavor to engraft upon the constitution of Manitoba.

A Wonderful Ballot

"Next, Sir, it has by reason of the considerable extent of the new, peculiar and freak legislation already referred to, entailed upon the electors an unreasonable and unnecessary amount of work and responsibility. I have here, Sir, a ballot which I propose to hang up in front of my desk. It was presented to the electors in Oregon in 1910. It is a most humane ballot because it is fearfully and wonderfully made. (Laughter). It is a number of feet long and a number of feet wide. Beside the 131 officers that are to be voted for there are 32 statutes to be voted upon and approved, or rejected. It takes nine minutes to read the titles of these acts, and a man requires to be a rapid reader to do that. Right Honorable Mr. Bryce says that the whole constitution of the United States can be read in 23 minutes. Sir, if ever my honorable friend got this system of legislation adopted in this province and the ballots grew to be such as these ballots have grown, they should put up over the door of each room in which the voter marks his ballot those immortal words of Goethe: 'Abandon hope, all ye who enter here.'" (Laughter).

A Big Book

"Then, I have, sir, another thing in my possession sent me by a friend in Oregon. It is a book of 207 pages, published in explanation of the acts which are submitted to the voters, each voter gets one and is supposed to read, mark, learn and inwardly digest. You can quite understand what a busy man he is on election day. Evidently Oregon recognises what a fearful task is imposed on him, for it has passed a statute that no elector can be canvassed, or spoken

cast his vote on polling day. It might well also if they have any statute against cruelty to animals to bring the doctors under that statute as well. (Laughter).

Would Not Work Here

"Looking at Oregon, sir, looking at this labyrinthine mass of legislation in which its people have become involved, may I ask honorable gentlemen in this House belonging to the Opposition party whether in their honest opinion it would be well to adopt this system and try to work it out here? So far as I am concerned, sir, I never look at it with all its ramifications and complications, and with all its nonsense without thinking of the 'shot-gun prescription,' which we used in the practice of medicine in the early days. In those days we did not have as clear an idea of the physiological action of drugs as we have now. Medicine was on an empirical rather than a scientific basis; and so it became the practice to use what was called the 'shot-gun prescription' to which I have referred. The 'shot-gun prescription' was a judicious mixture of expectorants, cholagogues, diaphoretics, diuretics and carminatives (laughter) and immediately that the mixture got into the gastric regions the expectorants began to quarrel with the cholagogues, and the diuretics got into dispute with the diaphoretics, and in the general melee which resulted, fortunately the patient escaped. (Renewed laughter). The hope of the physicians in using this prescription was that if one thing did not hit the other would, and that seems to be the principle on which the authorities in Oregon have been acting. But what is the fact? They are treating symptoms only. To eradicate the disease it is necessary to change their system, and the best possible advice we can give them is to adopt the British system which we have in the Dominion of Canada and which will do more in the solution of their problems than all the muddle of legislation which they have enacted, are enacting or ever will enact in the future.

Not in Many States

"My honorable friend says that scores of states have adopted this system. Well, Mr. Speaker, a number of states have partially adopted this, but, as I have pointed out, it is not in full bloom in Oklahoma, Arizona, Nevada and Montana. It is used to a certain extent in South Dakota, and I want to mention that state. It was adopted there in 1898, and indeed that state was one of the very first to adopt it. We have been listening as to Switzerland, and as to Oregon. These are distant and 'distant' we are told 'fancie enchantment to the view.' My honorable friends, I am sure, are acquainted with South Dakota, and they will, therefore, know whether the people are happier in that state than the people are in Manitoba. They will know whether the citizens are more prosperous than are the citizens of Manitoba. They will know whether the people of South Dakota have grappled better and more successfully with the problems of government than our people, and they will know whether the standard of citizenship is higher than it is in this good province of Manitoba.

"And every one of these questions, Sir, must be answered in the negative. My honorable friend from Lakeside states that widespread interest has been evoked all over the world in favor of this direct legislation.

Not Asked For

"I am sure, Sir, that he does not mean to tell me that there is a widespread demand in Great Britain for the initiative; that it has been heard of in Germany; that it is being tried by France—the people of which have never been known to be unwilling to change their constitution if they felt they could improve the same. These countries are all near that Eden of government, Switzerland. Is the initiative doing anything in the federal field or the United States politics? Is it heard of in the federal politics of the Dominion of Canada? Never have I heard of any extracts from Hansard read upon the subject. When I was in the House of Commons I never heard it mentioned, and I do not believe it has ever been mentioned there since. I was wondering when my honorable friend spoke what he would think of the initiative all over Canada, or of a referendum after each session of parliament. I was wondering what was Sir Wilfrid Laurier's position as to this question. Sir Wilfrid Laurier is now out of office, looking for a policy that will put him back. Has my honorable friend offered him this policy, which he says is one of the burning desires on the part of the people of Canada? Surely he has not kept it in his pocket and not offered it to the leader to whom he has every reason to be loyal, and to whom I have no doubt he is loyal. Has he offered it? If not, why not? If the offer was rejected by Sir Wilfrid Laurier, if it was not good enough for him, then, surely, it is not good enough for Manitoba.

Where Laurier Stands

"My honorable friend knows, as well as the other members of the Opposition, that if Sir Wilfrid Laurier were asked to speak his mind freely on the subject he would speak against this proposition. While I am opposed to him politically, while I think he has made his mistakes, as we all do, nevertheless, he is a British constitutionalist, and would, if he were to speak freely upon this subject of direct legislation, say that it was out of keeping with the spirit of our institutions, and, constitutionally, it would not be workable with any degree of comfort or of advantage to the people of Canada. What does it resolve itself into therefore, sir? It resolves itself into this: that we are to abandon the well-tried successful system in operation here and adopt that which has been adopted by the small country of Switzerland and the unimportant State of Oregon. An old statesman in Canada, when advising the people against being led away with new theories, quoted words written upon a tombstone: 'I was well; I would be better, and here I am.' Sir, the lesson to be learned from these words is undoubtedly, 'Let well enough alone, especially, it may be added, if that well enough is the best that can be had.'

"To conclude, sir, and I have already consumed more time of the House than I had intended, I want to say that there are three great principles in British parliamentary institutions, the liberty of the subject, the rule of law, and the supremacy of parliament. You cannot take away either one of these and leave the system perfect. In the Motherland parliament is absolutely supreme. Here it is supreme within the lines of the constitution which we have. Let us keep it so as the surest protection to the interests of the people who make and unmake parliaments and governments at their will. Let me add further, that in

my opinion cabinet responsibility is essential to good government, and let me add still further that the British system is safe, sane, and sound, and that any patching upon it of Oregon experiments would only result in the weakening and lessening of its strength.

Visionary

"Alchemists have always been laboring enthusiastically for the discovery of a chemical that would change the baser metals to gold, but gold is still gold, and the baser metals are still the baser metals. Dreamers have labored for the elixir of youth that would prevent age and make us physically immortal, but wrinkles and grey hairs still come, and death hides in every flower and lurks around every corner. Other dreamers in every age, have formulated political plans which were to make the world a veritable Eden, "where the wicked ceased from troubling and the weary are at rest." These Utopian schemes, however, have invariably failed to materialize, and the political world still has its difficulties and governments have still their unsolved problems. The Utopian schemes of the present differ from the Utopian schemes of the past neither in substance nor result. (Cheers).

As to the Future

"Standing here tonight looking out on the future there are two roads before us. One is a bye-path cut by recent political thinkers. At the entrance of it my honorable friend the leader of the Opposition and his colleague from Lakeside stand, with kindly smiles, inviting us to enter, and to follow Oregon, not knowing yet whether

the people of that state have been lost in the jungle of their own legislation or not. There is, however, the other road—broad and well paved. Its pitch-holes have been filled by the statesmanship of the past. On either side are the mile posts of the experience of the centuries. At every turning are inscriptions on the finger boards giving us warnings of danger. Which road shall we take? Sir, we shall, if I know anything of the sentiments of this House, of this people, of this province, decide to take the great highway—the well trodden road. We shall, in Canada, whether in fervor of patriotism, in love of flag, in pride of Empire, draw still closer to the Motherland, and in maintenance of British forms and British legislative institutions, unalloyed, continue to grow stronger and ever stronger in our already undoubted and undisputed leadership of that sisterhood of nations which buttresses the British throne. (Loud applause.)

"Mr. Speaker, I beg to move the following amendment:

"That the words after 'that,' in the first line of the resolution be left out and the following inserted in lieu thereof:

"British political institutions are the best and freest that have yet been devised for the government of a people; that under such institutions this province enjoys, in common with all the other provinces of the Dominion of Canada, a complete system of representative responsible government, and that such, in the opinion of this House, should be maintained unimpaired."

"A DANGEROUS FAD"

What the *Ottawa Free Press*, the Organ of Laurier and the Dominion Liberals, says as to Direct Legislation.

The *Ottawa Free Press* is the leading Liberal newspaper of Eastern Ontario. It is more the mouthpiece of the Liberals in the Dominion Parliament than any other newspaper. The following article from its columns shows just how this Socialistic fad is regarded by them. The *Free Press* says as follows:—

In recent years we have had demands from certain quarters for the introduction in Canada of a fad which for some time had gained great headway in the United States, namely, the principle of referendum, initiative and recall.

In the United States, as has been pointed out in these columns, they are already beginning to find out the impracticability of the principle of the referendum and abandoning it for the British principle of tying up men and issues together; but in England, as in Canada, there are new advocates of the referendum. One cannot help thinking that they are actuated mainly by a desire for a game of "Heads I win, tails you lose." How this game works out may be illustrated by a Canadian case. The Borden government was urged to sub-

mit its Naval bill to the people in a referendum instead of at a general election. With the former, though the policy were snowed under, the Borden government would have remained in power. The same thing would have applied to the Laurier government had they submitted the Reciprocity pact to the people in a referendum instead of at a general election.

The promulgation of the referendum idea in England has led to a discussion of it by some of the cleverest minds, and the absurdities and impossibilities of that principle are being brought out. Professor A. F. Pollard, in a series of articles in the *London Times* and the *British Weekly*, puts his finger upon the weakness of the proposal. He points out:

- (1) That the referendum will not dispose of questions once for all;
 - (2) That a referendum cannot be granted in one case, and refused in another; and
 - (3) That the referendum must be followed by the introduction of the initiative.
- As an example of the first, he asks whether any sane observer imagines the

even a majority of those to one against women suffrage would stop the agitation or whether a referendum on Home Rule would settle Home Rule unless it established Home Rule? He shows that time after time in certain of the United States the referendum has gone against woman suffrage; the only result, has been a fresh referendum two years later, and the referendum only settles the question when the women obtain the vote.

As to the second point, if a referendum is granted on Home Rule or woman suffrage, or in Canada, say, on the Navy bill or Reciprocity, why not on others? He says:

"Legislation in the future will be mainly social. The minimum wage is close upon us. Does any sane person believe that the principle of a minimum wage, and a high minimum wage, would not be adopted by a vast majority of the voters? Suggest a minimum wage of 30s. a week, and put it to a referendum, and we shall see what we shall see.

"Supposing it were proposed that all old age pensions should begin at sixty, and that they should be 10s. a week, and suppose this were put to a referendum, who can doubt the issue?"

Having once abandoned the principle of parliamentary legislation and representative government for that of plebiscitary enactment, it is idle to suppose that its operation could be limited.

Professor Pollard maintains on his third point that it is not rational to imagine that we could stop at the referendum and repudiate the initiative. He says:

"If parliament is not competent to determine what should not be done, it is no more competent to determine what should be done. If we invoke

the commands of the people, we must obey positive as well as negative orders. The voters, if asked to decide legislation, will not be content with obstruction; they will want to be the government, and not merely the opposition; to dictate as well as to vote change; and how, may I ask, would our latter-day advocates of the referendum regard the prospect of plebiscites on proposals to place the entire expense of maintaining the roads on the owners of motor cars, the total cost of insurance on the employers, the whole burden of taxation on incomes over £1,000? If we are to appeal from the incompetence of parliament to the wisdom of the masses, we shall not be able to limit the jurisdiction the court to suit our pockets or our predilections."

Readers can easily substitute Canadian illustrations for those given by Professor Pollard in order to give his argument local application.

Professor Pollard maintains that the principle of the referendum is so revolutionary that it would destroy the British constitution. When the referendum has been adopted, "the House of Commons," he asserts, "will have exploded its constitutional power"; when it disclaims responsibility for legislation it will have thrown overboard its own authority.

Another feature of direct legislation that Professor Pollard omits is that when our legislatures disown leadership they will be no longer attractive to the class of men who should occupy seats in those legislatures. Unfortunately, there is even now a growing tendency among educated and thinking men to withhold themselves from public life; it needs but the introduction of the referendum and the conversion of our parliaments into mere tools to complete that unfortunate tendency.



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